

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

TATYANA EVGENIEVNA DREVALEVA,

No. C 18-3748-WHA

Plaintiff,

v.

U.S. DEPARTMENT OF VETERANS  
AFFAIRS, *et al.*,

Defendants.

**ORDER DENYING  
RECONSIDERATION OF  
REVOCATION OF *IN*  
*FORMA PAUPERIS* STATUS  
ON APPEAL**

In this *pro se* action against the Department of Veterans Affairs for terminating her employment, plaintiff moves for reconsideration of the order dated November 26 revoking her *in forma pauperis* status on appeal. Below are the key events in chronological order.

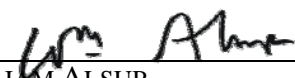
In her opposition to defendants' motion to dismiss, plaintiff requested appointment of counsel pursuant to 42 U.S.C. § 2000e-5(f)(1)(B) (Dkt. No. 40 at 14). An order dated November 19 advised plaintiff that *Mallard v. United States District Court*, 490 U.S. 296, 304–05 (1989), held that there is no constitutional right to counsel in civil cases. The order further advised plaintiff that she had the option of: (1) showing she met the four factor test under *Bradshaw v. Zoological Society of San Diego*, 662 F.2d 1301, 1318 (9th Cir. 1981); (2) contacting the legal help center in person or online at: <http://cand.uscourts.gov/proselitigants>; or (3) making an appointment with the legal help center by calling 415-782-9000, extension 8657.

1           Instead, plaintiff immediately appealed the November 19 order denying her request for  
2 appointment of counsel (Dkt. No. 58). Our court of appeals then referred the matter to this  
3 Court to determine whether plaintiff's *in forma pauperis* status should continue on appeal.  
4  
5 An order dated November 26 found the appeal to be frivolous and revoked plaintiff's *in forma*  
6 *pauperis* status as to the appeal (without prejudice as to subsequent appeals).

7           Plaintiff now moves for reconsideration of the November 26 order revoking her *in*  
8 *forma pauperis* status on appeal. In her motion, plaintiff states that she made one attempt to  
9 secure counsel (Dkt. No. 65 at 2). That new fact does not change the conclusion that plaintiff  
10 has not met the standard under *Bradshaw* (at least on the current record). Accordingly,  
11 plaintiff's motion is **DENIED**.  
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14           **IT IS SO ORDERED.**

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16 Dated: December 4, 2018.

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19 WILLIAM ALSUP  
20 UNITED STATES DISTRICT JUDGE  
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